

Rule 79. Books and Records Kept by the Clerk and Entries Therein

(a) Civil Docket. The clerk shall keep a book known as a "Civil Docket," on one or more looseleaf sheets for each action, and shall enter therein each action filed with the court. Actions shall be assigned consecutive file numbers. The file number of each action shall be noted on the sheet of the Civil Docket whereon the first entry of the action is made. All papers filed with the clerk and all judgments and orders shall be entered chronologically in the Civil Docket on the sheet assigned to the action and shall be marked with its file number. These entries shall be brief, but shall show the nature of each paper filed and the substance of each judgment or order. The entry of an order or judgment shall show the date the entry is made. When in an action, trial by jury has been properly demanded or ordered, the clerk shall enter the word "jury" on the sheet assigned to that action.

(b) Judgments and Orders. The clerk shall keep as a permanent record a "Judgment and Order Book" in which there shall be filed, in serially-numbered chronological sequence in looseleaf binders, a correct copy of every final judgment or appealable order, together with all opinions, decisions, or findings of fact and conclusions of law upon which it is based, and any other order which the court may direct to be kept. Every such final judgment or appealable order shall, from time to time but no less frequently than annually, be permanently bound.

(c) Notices of Orders or Judgments.

(1) Immediately upon the entry of an order the clerk shall serve a notice of the entry, together with a copy of the order and any accompanying memorandum, by delivery or mail in the manner provided for in Rule 5 upon each party who is not in default for failure to appear, and shall make a note in the docket of the delivery or mailing. Any party may in addition serve a notice of such entry in the manner provided in Rule 5 for the service of papers.

(2) Immediately upon the entry of a judgment the clerk shall serve a notice

of the entry, together with a copy of the judgment, opinion, decision, or findings of fact and conclusions of law upon which it is based, by delivery or mail in the manner provided for in Rule 5 upon each party who is not in default for failure to appear, and, if appropriate, the port director of the customs port in which the action arose, and shall make a note in the docket of the delivery or mailing. Any party may in addition serve a notice of such entry in the manner provided in Rule 5 for the service of papers.

(3) Lack of notice of the entry by the clerk does not affect the time to appeal or relieve, or authorize the court to relieve, a party for failure to appeal within the time allowed, except as permitted in Rule 4(a) of the Federal Rules of Appellate Procedure or by the rules of the United States Court of Appeals for the Federal Circuit.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; Sept. 25, 1992, eff. Jan. 1, 1993; Aug. 29, 2000, eff. Jan. 1, 2001; Sept. 30, 2003, eff. Jan. 1, 2004.)